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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,945	09/24/2003	Christina Kay Booker	31274/82679	4790

7590 03/15/2007  
Barnes & Thornburg  
600 One Summit Square  
Fort Wayne, IN 46802

EXAMINER
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AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/669,945

Applicant(s)

BOOKER, CHRISTINA KAY

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-53 is/are pending in the application.
- 4a) Of the above claim(s) 10,11 and 15-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The amendment filed by applicant on December 21, 2006 is acknowledged and has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-3, 5, 6, 8, 9 and 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz (US Patent 3,936,092) in view of Ward (US Patent 5,203,613).

Dietz teaches a safety harness for restraining a person in an automobile, the restraining apparatus including: first and second shoulder straps (7) positionable over the person's shoulders, each of the first and second straps (7) having first and second ends; the second ends of the first and second shoulder straps (7) are adjustable and selectively attachable to a chest panel/vest type portion (1) via buckles (8); first and second belt segments (3, 11), each having first and second ends such that the first ends of each of the first and second belt segments (3, 11) are attached to the chest panel (1); the first and second belt segments extend from the chest panel (1) and are positionable about the torso (as described in column 2, lines 45-48); and the second ends of the first and second belt segments are selectively attachable to the automobile via belt (3). Re claim 6, at least one of the first and second belt segments being adjustable (via the

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buckles clearly shown on the belt segments 3, 11) with respect to the chest panel (1).

Re claim 13, the shoulder straps (7) are positioned substantially parallel to each other.

Ward teaches a shopping cart including a restraining device very similar in function and structure to applicants. The shopping cart includes a first bar and a second bar extending from the first bar. The restraining apparatus includes shoulder straps (12, 14), a belt (16A), a crotch strap (17) and fasteners (including an adjustable clasp, snap fasteners, buckle or clip).

Based on the teachings of Ward, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to place the harness in a shopping cart to prevent a person from wiggling and falling out of the cart in a supermarket. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add an adjustable crotch strap to prevent a person from sliding out forwards. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add clasp to the ends of the shoulder strap and crotch strap to permit quick release of the harness in an emergency.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz ('092) and Ward ('613) as applied to claim 1 above, and further in view of Girardin (US Patent 6,547,334).

The combination of Dietz and Ward teach the features described above.

The combination of Dietz and Ward lack the teaching of padding.

Girardin teaches padded areas (30, 31).

Based on the teaching of Girardin, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the combination to include padded material to protect the user against chafing.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz ('092) and Ward ('613) as applied to claim 1 above, and further in view of Silverman (US Patent 6,364,417).

The combination of Dietz and Ward teach the features described above.

The combination of Dietz and Ward lack the teaching of a support strap.

Silverman teaches a support strap (52).

Based on the teaching of Silverman, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a support strap between the shoulder straps to lend lateral strength to the safety harness, as taught in column 2, lines 32-34.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-6, 8, 9 and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

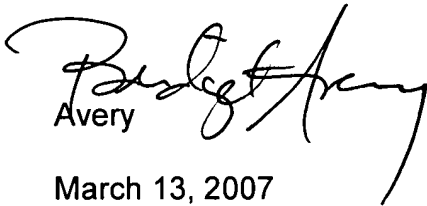
Jordan shows a support harness.


Caulder et al. shows a child harness.

Riedell shows a geriatric restraint.

Casavant shows an instrument carrier.

7. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

  
Avery  
March 13, 2007



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600